

Attorney Docket No.: RU-0176
Inventors: Ryan and Bagnell
Serial No.: 10/079,040
Filing Date: February 20, 2002
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REMARKS

Claim 1 is pending in this application. Claim 1 has been rejected under 35 U.S.C. 102(b) as being anticipated by Stewart et al. Applicants' prior argument was not found to be persuasive by the Examiner. Reconsideration is respectfully requested in light of these amendments and the following remarks.

The Examiner suggests that Stewart et al. teach that mares stimulated to deliver with oxytocin showed an elevation in relaxin levels wherein the sensitivity to oxytocin appears to develop late in gestation, as mares induced to abort in mid pregnancy did not show a rise in relaxin.

The Examiner also suggests that Stewart et al. teach the "need" to study a larger population of mares in order to determine if relaxin concentrations are predictive of adverse pregnancy outcome. The Examiner further suggests that the instant invention is drawn to a method for "predicting" a treatment in pregnant mares affected by a disease or condition that alters placental function and results in a problematic pregnancy or delivery. It is also suggested that Stewart et al. teach all of the steps (a, b, and c) of the claimed invention.

Applicants respectfully disagree.

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MPEP 2131 requires that "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference".

It is respectfully pointed out that claim 1 has been amended to clarify the present invention. In particular, claim 1 has been amended to indicate that the drug or treatment administered is directed to the disease or condition that alters placental function which results in a problematic pregnancy or delivery in the mare and that a failure of the plasma relaxin levels to increase following drug or treatment administration is indicative of a non-effective treatment in preventing a problematic pregnancy or delivery in the mare. The drug or treatment of the present invention must stimulate and/or restore elevated plasma relaxin levels to be effective. Failure to increase circulating relaxin levels is predictive of the lack of efficacy of the drug treatment in preventing a problematic pregnancy or delivery in the mare. Support for this amendment is found throughout the specification and at page 9, lines 17-23 and 29-31, and page 10, lines 5-7).

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In contrast to the Examiner's suggestion, oxytocin is a composition which induces labor, and thus is **not** a drug or treatment which would be considered for an effective treatment in preventing a disease or condition that alters placental function which results in a problematic pregnancy or delivery in the mare.

Further, Stewart et al. suggests that it would be of interest to study depressed relaxin concentrations to determine if relaxin concentrations are related to adverse pregnancy outcomes, (page 652, lines column 1). Stewart et. al. do not teach or suggest any method of evaluating drugs or treatments for mares with problematic pregnancies or deliveries via measurement of increasing plasma relaxin levels. Stewart et al. do not teach or suggest that a failure of the plasma relaxin levels of the mare to increase following administration of the drug or treatment is indicative of a non-effective treatment. Unlike the present invention, Stewart et al. do not teach or suggest any advantages of administering a drug to a mare with the specific intent of raising the levels of relaxin in plasma throughout the course of pregnancy. Furthermore, Stewart et al. do not teach or suggest that a drug which increases plasma relaxin levels in a mare would be effective to reduce the risk of a problematic

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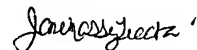
pregnancy or delivery in the mare, as claimed in the present invention. Thus, Stewart et al. do not anticipate the present invention as they do not teach every element of the method for evaluating treatment or drug efficacy in pregnant mares.

Accordingly, the prior art can not be held to anticipate the present invention. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claim is earnestly solicited.

Respectfully submitted,



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